

# NH Tidal Energy Commission Meeting Minutes

NH Department of Environmental Services  
Pease Field Office, Portsmouth, NH  
May 16, 2008, 1:00 PM

## Members:

Rep. Thomas Fargo, Co-Chair, City of Dover  
Ken Baldwin, Co-Chair, UNH  
Nancy Borden, Public Appointee  
Ted Diers, NH Coastal Program  
Brian Giles, NH Estuaries Project  
Sean McDermott, National Marine Fisheries Service  
Jack Pare, Town of Newington  
Jack Ruderman, NH Office of Energy & Planning  
Tracy Shattuck, PDA Division of Ports & Harbors  
Christopher Waszczuk, NH Department of Transportation

## Other Attendees:

David Funk, Great Bay Stewards  
Mike Johnson, National Marine Fisheries Service  
Dave Kellam, NH Estuaries Project  
Gail Pare, Great Bay Coast Watch  
Justin Richardson, Upton & Hatfield, LLP  
Christian Williams, NH Coastal Program

## Summary:

Co-chair, Rep. Tom Fargo asked attendees to introduce themselves.

Co-chair Fargo then informed members that the draft minutes from the April 11, 2008 meeting were not ready for review and approval by commission members. He stated that the minutes would be ready for review and approval at the next commission meeting. Co-chair Fargo reminded members that meeting minutes are posted on the commission's web page at [http://des.nh.gov/Coastal/ocean\\_policy.html](http://des.nh.gov/Coastal/ocean_policy.html).

Co-Chair Fargo then asked for updates from each of the commission's subcommittees. Ken Baldwin, Commission Co-chair and Chair of the Commission's Technical Feasibility, Cost & Benefits Analysis Subcommittee stated that the subcommittee had not met since before the last meeting. He also stated that he had not yet compiled the information that he presented to members at the last meeting. Chris Williams, chair of the Permitting Requirements Subcommittee, stated that he had recently updated the subcommittee's draft list of applicable laws and regulations to reflect the Federal Energy Regulatory Commission's (FERC) hydrokinetic energy pilot project licensing process and its process for issuing conditioned licenses for hydrokinetic energy projects. He

stated that the revised draft list of applicable laws and regulations can be found on the commission's web page. There was no one in attendance from the Public and Business Community Outreach Subcommittee to report on the subcommittees efforts. Co-chair Fargo noted that this subcommittee needs the results of the Technical Feasibility, Cost & Benefits Analysis Subcommittee to decide how to proceed with their efforts. Sean McDermott, chair of the Environmental and Wildlife Impact Assessment Subcommittee, stated that the subcommittee had compiled a list of environmental and wildlife resources potentially affected by a hydrokinetic energy project. This list was attached to the email containing the agenda for today's meeting that was recently sent by Co-chair Fargo. He stated that the resources identified in the list would be managed under the laws and regulations identified by the Permitting Requirements Subcommittee. Mr. McDermott asked commission members for comments on the list. Several commission members provided minor comments.

Co-chair Fargo then reminded members that the commission's final report is due on or before November 1, 2008. He stated that the final report should include four chapters representing the work of each of the commission's four subcommittees. He also suggested that the report contain additional chapters focusing on each of the following topics: 1) Legal issues reviewed by the Attorney's General (AG's) Office; 2) FERC preliminary permit holders' activities; 3) Planned/ongoing UNH activities; 4) Commission recommendations for further legislation; and 5) Conclusions. Discussion followed regarding each of these topics. Co-chair Fargo stated that he'd prepare the chapter summarizing the legal issues reviewed by the AG's Office. Jack Pare and Justin Richardson agreed to work on the chapter reviewing FERC preliminary permit holders' activities. Co-chair Baldwin, who discussed UNH's efforts to secure a grant for offshore renewable energy from the Department of Energy, agreed to summarize UNH's planned/ongoing activities regarding hydrokinetic energy. Ted Diers, Commission Vice-Chair, presented a motion that the commission write a letter to the Department of Energy supporting UNH's efforts. The motion was approved by commission members with two abstentions due to potential conflicts of interest. Mr. Diers also agreed to develop some recommendations for further legislation, including submerged lands leasing. Co-chair Fargo then presented/discussed the commission's three primary conclusions:

- 1) Based on preliminary tidal flow data and environmental limitations to restricting that flow, and the need to maintain existing boating/shipping channels, it remains questionable whether a commercially viable power generation facility can be built beneath the Little Bay and General Sullivan bridges.
- 2) The hydrokinetic power generation industry in the U.S. has not yet overcome technological challenges that limit large-scale development of generating facilities. The Commission feels that the tidal currents passing under the Little Bay and General Sullivan bridges provide a unique test environment to assess new technologies to harness power in a constricted flow configuration.
- 3) The Commission recognizes the opportunities for hydrokinetic technology testing and development at this location and encourages researchers at the

University of New Hampshire to pursue such activities with the support of collaborators represented by the membership of the Commission.

Co-chair Fargo then opened the meeting up for a roundtable discussion of items of interest to commission and non-commission members. The discussion focused primarily on the state's ability to lease submerged lands to generate revenue.

The next commission meeting was scheduled for **Friday, June 27, 2008 at 1:00 PM at the NH Department of Environmental Services Pease Office in Portsmouth.**

Directions to the NHDES Pease Office will be provided on the commission's web page.

Meeting was adjourned at 3:30 PM